HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14182 of 2002

Dated 4th July, 2002

Between

S.Sailu

…Petitioner

and

The Municipal Corporation of Hyderabad,
Rep. By its Commissioner, Hyderabad, and anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14182 of 2002

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in taking steps for demolition of the structures in Plot No.1, admeasuring 83 square yards situated in Sy.No. 377 of Gudimalkapur, Golkonda Mandal, Hyderabad district as illegal and arbitrary.

The petitioner claims to be the owner of the house property in an extent of 83 square yards in Plot No.1 in Sy.No. 377 of Gudimalkapur. It is stated that the said property was gifted to the petitioner by his maternal uncle by Gift Settlement Deed dated 2-6-2001 and with a view to make constructions, he had submitted plan on 20-3-2002 for approval by the respondents. But however, on the ground that there is

no rejection by the respondents within the stipulated period, the petitioner had proceeded with construction and constructed the house in the said plot as per the plan. It is the grievance of the petitioner that though constructions were made in accordance with the provisions of the Hyderabad Municipal Corporation Act 1955 and building bye-laws, the respondents are taking steps to demolish the structures without issuing prior notice and opportunity.

This Court, at the stage of admission, by order dated 2-8-2002 directed the respondents not to demolish the structures. However, it was clarified that the said order will not preclude the respondents from taking any action against the petitioner if there is any violation of law on his part, by initiating appropriate proceedings in accordance with law.

Though the Writ Petition is of the year 2002, no counter affidavit is filed on behalf of the respondents.

As much as there was no disapproval of the plan submitted by the petitioner within the stipulated period, and, as it is stated that the petitioner constructed building in accordance with the provisions of the Hyderabad Municipal Corporation Act 1955 and building bye-laws, I dispose of the Writ Petition directing the respondent not to demolish the structures or any part there of, otherwise than by due process of law. It is made clear that If there is any violation on the part of the petitioner, it is open for the respondents to initiate proceedings in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 4-7-2007.
Msnr.